

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MIGDALIA RAMOS-ESTREMER, A

Plaintiff, B

v. C

CIVIL NO. 09-1817 (GAG)

COMMISSIONER OF SOCIAL
SECURITY, D

Defendant. E

MEMORANDUM OPINION AND ORDER

The court finds the Commissioner's decision denying Plaintiff disability benefits to be supported by substantial evidence of record. 42 U.S.C. § 405(g); see also Evangelista v. S.H.H.S., 826 F.2d 136, 144 (1st Cir. 1987).

Plaintiff claims error in that the ALJ failed to consider her medical records from treating sources because more weight was given to the opinion of consultative experts. (See Plaintiff's Memorandum of Law, Docket No. 13, 14-15.) The court disagrees. This is not an instance where the ALJ wholly ignored medical opinions from treating sources, and instead adopted the conclusion of a non-treating sources. To the contrary, here the ALJ carefully considered all medical evidence of record, both treating and non-treating.

The ALJ thereafter gave appropriate weight to all evidence of record. The court must add that the ALJ's decision in this case is commendable, when compared to those of some of his predecessors during the last several years. With extreme clarity, ALJ Rodriguez discussed all of the evidence, and more importantly, clearly explained why he was giving controlling weight to evidence pointing to the conclusion that Plaintiff was not disabled under the SSA. This is exactly his job, to weigh the conflicting evidence. Because he acted properly, the court cannot now substitute its own judgment for that of the ALJ.

Furthermore, the ALJ also considered testimonial evidence at the disability hearing and weighed the same appropriately in his decision. His analysis of Plaintiff's alleged pain and the severity thereof was quite detailed (see Tr. 22-23), not flawed as Plaintiff simply suggests. (Plaintiff's Memorandum of Law, Docket No. 13, 15-16.)

Wherefore, in light of the above, the Commission's decision is hereby **AFFIRMED**.

SO ORDERED.

In San Juan, Puerto Rico this 5th day of February, 2010.

S/ Gustavo A. Gelpi
GUSTAVO A. GELPI
United States District Judge